

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of:

Case No. 2007-92

DEBORAH HARRISON  
8930 South Van Ness  
Los Angeles, CA 90047-3512

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

Registered Nurse License No. 468729

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties that  
the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the Board of Registered Nursing, who brought this action solely in her official capacity.
2. Deborah Harrison (Respondent), is a probationary registered nurse.

JURISDICTION

3. On June 19, 2007, the Board of Registered Nursing adopted Proposed Decision and Disciplinary Order No. 2007-92, which became effective on July 19, 2007. The Stipulated Settlement and Disciplinary Order requires, inter alia, the respondent to serve a 5-year probation term that includes Probation Conditions # 1-16. The Proposed Decision and Disciplinary Order is attached as exhibit A and incorporated herein by reference.

Condition #13 of the Proposed Decision and Disciplinary Order allows the Board of Registered Nursing to accept the surrender of the respondent's license if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation.

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5. Respondent understands that by signing this stipulation she enables the Board to accept the surrender of her Registered Nurse License without further process.

6. The Respondent understands and agrees that by signing this Stipulated Settlement, that she may not withdraw her agreement or seek to rescind the stipulation prior to the date it becomes effective. If the Board declines to accept this stipulation as its Decision and Order, the Stipulated Surrender and Order shall be of no force or effect.

8. In consideration of the foregoing stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

IT IS HEREBY ORDERED that Registered Nurse License No. 468729, issued to Respondent Deborah Harrison, is surrendered and the surrender is accepted by the Board of Registered Nursing.

10. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

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2 11. Respondent shall cause to be delivered to the Board both her wall and  
3 pocket license certificate on or before the effective date of the Decision and Order.

4 12. Respondent fully understands and agrees that if she ever files an  
5 application for licensure or a petition for reinstatement in the State of California, the Board  
6 shall treat it as a petition for reinstatement. Respondent must comply with all the laws,  
7 regulations and procedures for reinstatement of a revoked license in effect at the time the  
8 petition is filed. .

9 13. Upon reinstatement of the license or prior to issuance of any new  
10 license by the Board, Respondent shall pay to the Board costs associated with its investigation  
11 and enforcement pursuant to Business and Professions Code section 125.3 in the amount of  
12 \$1,434.16 which is the amount currently owed pursuant to Proposed Decision and  
13 Disciplinary Order No. 2007-92 (Exhibit A). If the reinstatement of Respondent's license is  
14 granted, Respondent shall be permitted to pay these costs in a payment plan approved by the  
15 Board.

16 14. Respondent shall not apply for licensure or petition for reinstatement for  
17 2 years from the effective date of the Board of Registered Nursing's Decision and Order.  
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

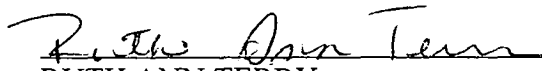
DATED: 8/13/08.

  
DEBORAH HARRISON  
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully accepted by Ruth Ann Terry, Executive Officer for the Board of Registered Nursing.

DATED: 9/8/08.

  
RUTH ANN TERRY  
Executive Officer  
BOARD OF REGISTERED NURSING

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**BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of:

Case No. 2007-92

DEBORAH HARRISON  
8930 South Van Ness  
Los Angeles, CA 90047-3512

Registered Nurse License No. 468729

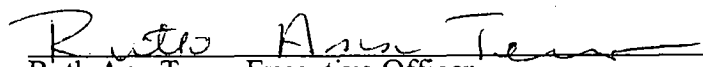
Respondent.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

It is so ORDERED on 9/9/08.

This Decision shall become effective on 9/9/08.

  
Ruth Ann Terry, Executive Officer  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

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**EXHIBIT "A"**

Proposed Decision and Disciplinary Order No. 2007-92

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Deborah Harrison  
aka Deborah Rene Harrison

Registered Nurse License No. 468729

Respondent.

Case No. 2007-92

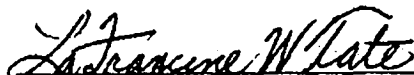
OAH No. L2007020309

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on July 19, 2007.

IT IS SO ORDERED June 19, 2007.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**DEBORAH HARRISON  
aka DEBORAH RENE HARRISON**

**Registered Nurse License No. RN 468729**

**Respondent.**

**Case No. 2007-92**

**OAH No. L2007020309**

**PROPOSED DECISION**

This matter was heard by Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings on April 10, 2007, in Los Angeles, California. Complainant was represented by Scott Harris, Deputy Attorney General. Deborah Harrison (Respondent) was present and was represented by Bill Hence, Attorney at Law.

Oral and documentary evidence was received and argument was heard. The record was closed, and the matter was submitted for decision on April 10, 2007.

**FACTUAL FINDINGS**

1. On October 10, 2006, Complainant Ruth Ann Terry, M.P.H., R.N., filed the Accusation while acting in her official capacity as the Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs, State of California.
2. On August 31, 1991, the Board issued Registered Nurse License Number RN 468729 to Respondent. The Registered Nurse license will expire September 30, 2007, unless renewed.
3. On August 12, 2004, in the Superior Court of the State of California, County of Los Angeles, Case Number KA065463, entitled *The People of the State of California v. Deborah Rene Harrison*, Respondent was convicted, after a jury trial, of violating Penal Code sections 451, subdivision (b) (felony arson of an inhabited structure or property), 594, subdivision (a) (misdemeanor vandalism under \$400 damage), and 451, subdivision (d) (felony arson of property of another).



4. In sentencing Respondent, the Court allowed her to participate in a "trustee program" and ordered her to report to the Pasadena city jail to commence a 117 day sentence (180 days minus 63 days credit). However, Respondent provided proof of completing only 42 days of that sentence. Consequently, on April 11, 2005, the Court placed her on formal probation for three years, and ordered her to serve one year in county jail, with credit for 162 days served. The Court also ordered Respondent to pay \$220 in fines and fees and to register as an arsonist with the local police agency in her community.

5. The facts and circumstances surrounding the convictions are as follows:

(a). In late 2003, Respondent had been married to her then-husband, T.H.,<sup>1</sup> for about 28 years and had dated him for five years prior to their marriage. In approximately mid-December 2003, Respondent came home to find that her husband had moved out of their residence, taking everything of value with him. She had no idea he was planning on leaving her, and he did not leave any message or note indicating where she could contact him. Respondent hired a private investigator and, on February 13, 2004, found out that T.H. was living with another woman in a condominium five minutes from Respondent's residence.

(b). On the night of February 27, 2004, Respondent went to T.H.'s condominium and knocked on the door. When nobody answered, she looked through the peephole and saw T.H. inside. His girlfriend was also present. Respondent tried to persuade him to come outside, but he would not. She then went to her vehicle and retrieved a plastic bag containing several articles of T.H.'s clothing that had been left at her residence and threw the bag on the condominium porch. She loudly threatened T.H., telling him to come outside or she would "drop her cigarette" on the clothing. She told him that, if he did not love her anymore, he should have the decency to tell her and she would walk away.

(c). When T.H. would not come outside, Respondent broke the guest room window of T.H.'s condominium unit.<sup>2</sup> Respondent then went to the porch and dropped her cigarette on the pile of clothing in the plastic bag. The cigarette burned through the bag and ignited the clothing. T.H. opened the front door and eventually extinguished the fire with water from a pitcher he obtained in the kitchen. Respondent then left the scene. When police arrived on the scene, they found the victim's burned clothing and observed that the front door had a black scorch mark.

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<sup>1</sup> The victim's initials are used in lieu of his full name to protect his privacy.

<sup>2</sup> Respondent testified at the administrative hearing that T.H. "came through the window" with a gun and said that he would shoot her. However, this statement was not credible and was contradicted by Respondent's prior inconsistent statement, made to police on the night of the crime, that T.H. was armed with a knife and a hammer. None of the alleged weapons were found by police in the condominium unit on the night of the crime.

6(a). Respondent's conviction of violating Penal Code section 451, subdivision (b) (felony arson of an inhabited structure or property), is substantially related to the qualifications, functions and duties of a licensee. Her action of setting a fire at an inhabited condominium complex at night, when she knew that at least one person was inside and that other people were likely to be in their condominium units, indicated a disregard for the risk to human health, safety and welfare.<sup>3</sup> This characteristic evidences a potential unfitness to perform nursing functions in a manner consistent with the public health, safety and welfare. (Cal.Code Regs., tit.16, § 1444.)

6(b). Respondent's convictions of violating Penal Code sections 594, subdivision (a) (misdemeanor vandalism under \$400 damage), and 451, subdivision (d) (felony arson of property of another) are not substantially related to the qualifications, functions and duties of a licensee, since they do not evidence a potential unfitness to perform nursing functions in a manner consistent with the public health, safety and welfare. (*Ibid.*)

7(a). At the administrative hearing, Respondent denied that she set fire to the structure or that the fire was started at an inhabited structure.

7(b). Respondent's denials are belied by the evidence as follows:

(1) Respondent's actions caused scorch marks on the door of the condominium unit, indicating the structure was burned.

(2). Respondent admitted that T.H. and his girlfriend were inside the structure at the time the fire started, indicating that the structure was inhabited by at least two individuals.

8. Respondent acknowledged that her actions were "wrong" and that she would "redo" them if she should could. Respondent insisted that she did not intend to harm T.H., that she loved him then and that she still loves him. She explained that she was angry and "not herself" on the night of the crime because, after 33 years of being together, T.H. had left her for another woman. Prior to T.H.'s leaving her, she had never lived by herself, and her emotions went from fear to hate. She did not consider that her actions "would go that far" or that individuals could be injured. On the night of her crime, she only wanted her husband back, but "it went from there to chaos."

9. Respondent insisted that her lack of judgment on the night of her crime will not "spill over" into her professional life. She stated that she has been a nurse for many

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<sup>3</sup> Respondent stated that her actions on the night of the crime are consistent with her duties as an R.N., and insisted that the fire she started did not have any risk of harm to any individual. However, she did admit that, in the course of working in a hospital burn unit, she became aware that patients can be burned by relatively small fires and that a fire of any size can cause some type of harm.

years<sup>4</sup> and has never given the wrong medications, never hit a patient, and has never received a complaint about her treatment as either an L.V.N. or an R.N. Respondent emphasized that, when she is working as an R.N., "nothing comes first but that patient." However, she maintained that she is "not a nurse at home," where her "family comes first before anything." She noted that, on the night of her crime, she was acting as a wife fighting for her family and "it was personal and had nothing to do with nursing."

10(a). During the two and one half months between the date T.H. moved out and the date of Respondent's crime, Respondent tried to commit suicide three times and also experienced a nervous breakdown. She was hospitalized for all four incidents and currently sees a psychiatrist once a month for treatment related to her nervous breakdown. She is currently being treated for chronic depression and bipolar disorder and takes medications to treat both disorders.

10(b). Since February 13, 2004, Respondent has performed no nursing of any kind. Respondent noted that, by deciding to refrain from working as a nurse, she has ensured that she is not putting any patients at risk. According to Respondent, if she did not care about patient safety, she "would be out working, instead of collecting only \$211 dollars a month."<sup>5</sup>

11. At a time undisclosed by the evidence, Respondent attended a four-week "anger management" course, twice a week, for a total of eight sessions. This class was voluntary, and no certificate was issued. Respondent took the class because she "did not like how [she] was feeling."

12. Respondent has not taken any continuing education courses related to nursing for about one to two years.

13. Respondent is scheduled to remain on criminal probation until 2007 or 2008.

14. Respondent is divorced from T.H. Their children are now adults.

15. Respondent has no record of prior discipline against her license.

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<sup>4</sup> Respondent has also been a licensed vocational nurse (LVN) since 1980.

<sup>5</sup> The evidence did not establish from where and on what basis Respondent was collecting this sum.

## Costs

16(a). Complainant submitted as evidence of the costs of investigation of this matter a Certification of Costs of Investigation and Prosecution (Costs Certification), signed by Complainant for the Board, certifying that the Board had incurred \$3,196.50 in prosecution costs through March 27, 2007.<sup>6</sup>

16(b). Complainant submitted as additional evidence of the costs of prosecution of this matter the declaration of Deputy Attorney General (DAG) Scott Harris, who was assigned the case on March 29, 2007. Attached to DAG Harris's Declaration were billing statements from the Department of Justice (DOJ), Office of the Attorney General, documenting the time billed for this case through April 6, 2007, and breaking down the billing by personnel and by time spent on types of tasks. The billing statements set forth the following amounts billed:

- (1) Supervising DAG Jennifer S. Cady:  
Fiscal year 2006 - 2007: .50 hours at \$158 per hour  
(subtotal \$79);
- (2) Supervising DAG Sharon F. Cohen, R.N.:  
Fiscal year 2005 - 2006: .25 hours at \$146 per hour  
(subtotal \$36.50);
- (3) DAG Nicholas A. Sanchez:  
Fiscal year 2006 - 2007: 16.00 hours at \$158 per hour  
(subtotal \$2,528; 3.25 hours were spent on trial preparation between  
February 5 and March 27, 2007)  
Fiscal year 2005 - 2006: .75 hours at \$146 per hour  
(subtotal \$109.50);
- (4) DAG Scott Harris:  
Fiscal year 2006 - 2007: 8.00 hours at \$158 per hour  
(subtotal \$1,264)  
(6.75 hours were spent on trial preparation between March 29 and  
April 6, 2007);
- (5) Legal Assistant Adrienne Mayr:  
Fiscal year 2006 - 2007: 6.00 hours at \$101 per hour (subtotal \$606);

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<sup>6</sup> This Costs Certification was admitted as a certified copy of the actual costs incurred by the Board, signed by a designated representative of the Board. Pursuant to Business and Professions Code section 125.3, the Costs Certification was considered prima facie evidence of the reasonable costs of investigation and prosecution in this matter.

- (6) Legal Assistant Jacqueline Zamora:  
Fiscal year 2006 - 2007: .75 hours at \$101 per hour (subtotal \$75.75);
- (7) Legal Assistant Pamela Van Kesteren:  
Fiscal year 2006 - 2007: .25 hours at \$101 per hour (subtotal \$25.25);
- (8) Legal Assistant Consuelo M. Lira:  
Fiscal year 2005 - 2006: .25 hours at \$92 per hour (subtotal \$23);
- (9) Legal Assistant Diane M. Murkidjanian:  
Fiscal year 2005 - 2006: .75 hours at \$92 per hour (subtotal \$69);
- (10) Total Costs incurred: \$4,816.

16 (c). The billing statements indicate that there was some overlap in DAG services related to trial preparation in this case. Consequently, the \$513.50 billed (3.25 hours at \$158 per hour) for the time DAG Sanchez spent on trial preparation between February 5 and March 27, 2007, will be disallowed, leaving an adjusted amount of \$4,302.50.

16(d). Additionally, given Respondent's monthly income of \$211, she has demonstrated her inability to make substantial cost payments at this time. This inability to pay is sufficient, under *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, to reduce Respondent's cost obligation. Therefore, taking into consideration Respondent's current inability to pay, the costs awarded in this matter should be reduced to one third of the adjusted costs, or \$1,434.16.

16(e). Pursuant to Government Code section 11425.50, subdivision (c), and California Code of Regulations, title 1, section 1042, subdivision (c), the Administrative Law Judge deems \$1,435.16 of the DOJ costs to be reasonable. Thus, Complainant is awarded a total cost recovery of **\$1,434.16**.

### LEGAL CONCLUSIONS

1. Cause exists to revoke or suspend Respondent's registered nurse license, pursuant to Business and Professions Code sections 2761, subdivisions (a) and (f), and 490, and California Code of Regulations, title 16, section 1444, on the grounds that Respondent has been convicted of a crime which is substantially related to the qualifications, functions and duties of a registered nurse, as set forth in Factual Findings 3, 5 and 6.

2. Pursuant to Business and Professions Code section 125.3, Complainant is entitled to recover reasonable costs of prosecution of this matter in the amount of **\$1,434.16**, as set forth in Factual Finding 16.

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3. According to the criteria set forth in California Code of Regulations, title 16, section 1445, subdivision (b), Respondent has established some rehabilitation.<sup>7</sup> Over three years have elapsed since the commission of Respondent's crime. During those three years, Respondent has undergone a self-imposed suspension from practice, completed an anger management course and voluntarily continued psychiatric treatment. Additionally, the crime appears to be an anomaly in Respondent's otherwise law-abiding life, triggered by emotionally-devastating circumstances. It is noted that the crime involved disregard for the potential risk to human life, a trait which is most undesirable in a registered nurse. However, Respondent has a lengthy history of nursing which is untainted by any gross negligence or abandonment of responsibility with respect to her nursing duties. Nevertheless, given Respondent's severe reaction to her marital strife, which gave rise to her crime, the potential that her disregard for public health and safety may filter into her workplace requires the placement of safeguards to prevent this problem from affecting her nursing.

4. Under all of the circumstances of this case, outright revocation would be overly harsh and punitive and is therefore unjustified. A properly-conditioned probationary period is more appropriate and should serve to adequately protect the public health, safety and welfare. As part of the probationary order, Respondent should be prohibited from practicing nursing until she has been notified by the Board that she is mentally fit to safely perform the duties of a registered nurse. (See probationary conditions 15 and 16, below.) While this condition precedent differs from the model terms and conditions typically recommended by the Board, it best addresses the circumstances of this case. Conditions 15 and 16 of the probationary order should afford Respondent the opportunity to address any impediments to her practicing nursing safely and, at the same time, provide safeguards which ensure public health, safety and welfare.

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<sup>7</sup> California Code of Regulations, title 16, section 1445, subdivision (b), provides:

When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

## **ORDER**

**WHEREFORE, THE FOLLOWING ORDER is hereby made:**

**IT IS HEREBY ORDERED** that Registered Nurse License Number RN 468729, issued to Respondent, is revoked. However, the revocation is stayed and respondent is placed on probation for five years on the following conditions.

**(1) OBEY ALL LAWS**

Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within 72 hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**CRIMINAL COURT ORDERS:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

**(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM**

Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

**(3) REPORT IN PERSON**

Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

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**(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE**

Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

**(5) SUBMIT WRITTEN REPORTS**

Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

**(6) FUNCTION AS A REGISTERED NURSE**

Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for six consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for six consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing



in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

**(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS**

Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within 72 hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within 72 hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

**(8) SUPERVISION**

Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall

maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent, with or without Respondent being present.

**(9) EMPLOYMENT LIMITATIONS**

Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

**(10) COMPLETE A NURSING COURSE(S)**

Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

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### **(11) COST RECOVERY**

Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of **\$1,434.16**. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

### **(12) VIOLATION OF PROBATION**

If Respondent violates the conditions of her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

### **(13) LICENSE SURRENDER**

During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

**(14) MENTAL HEALTH EXAMINATION**

Respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by Respondent.

Respondent shall not engage in any practice for which a license issued by the Board is required until notified by the Board or its designee that Respondent is mentally fit to safely perform the duties of a registered nurse. The period of time that Respondent is not practicing nursing shall not be counted toward completion of the term of probation.

Failure to undergo the above mental health examination and psychological testing, or to comply with the recommendations for treatment, therapy or counseling made as a result of the mental health examination, is a violation of probation.

**(15) THERAPY OR COUNSELING PROGRAM**

Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Respondent by telephone. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Respondent that a mental health determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

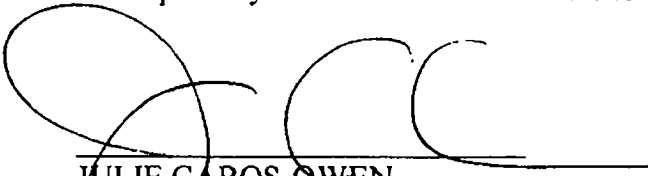
If, prior to the completion of probation, Respondent is found to be mentally unfit to resume performance of the duties of a registered nurse, the Board shall retain continuing jurisdiction over Respondent's license and the period of probation shall be extended until the Board determines that Respondent is mentally fit to resume performance of the duties of a registered nurse without restrictions. Respondent shall pay the cost of all counseling and psychiatric evaluations.

Failure to undergo and continue counseling or psychotherapy treatment, or to comply with any required modification in the frequency of psychotherapy, is a violation of probation.

**(16) SEVERABILITY CLAUSE**

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

DATED: April 27, 2007



JULIE CABOS-OWEN  
Administrative Law Judge  
Office of Administrative Hearings

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Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-92

DEBORAH HARRISON  
a.k.a DEBORAH RENE HARRISON  
8930 So. Van Ness  
Los Angeles, CA 90047-3512

**ACCUSATION**

Registered Nurse License No. RN 468729

Respondent.

Complainant alleges:

**PARTIES**

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about August 31, 1991, the Board of Registered Nursing issued Registered Nurse License number RN 468729 to Deborah Harrison a.k.a Deborah Rene Harrison (Respondent). The license was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2007, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 490 of the Code states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

1                   8.       California Code of Regulations, title 16, section 1444, states:

2                   “A conviction or act shall be considered to be substantially related to the  
3 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
4 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
5 public health, safety, or welfare.

6                   9.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
7 request the administrative law judge to direct a licentiate found to have committed a violation or  
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
9 and enforcement of the case.

10                                   CAUSE FOR DISCIPLINE

11   (Conviction of a Substantially Related Crime)

12                   10.       Respondent has subjected her license to disciplinary action under sections  
13 2761, subdivisions (a) and (f) and 490 of the Code, on the grounds of unprofessional conduct, as  
14 defined in California Code of Regulations, title 16, section 1444, in that Respondent was  
15 convicted of a crime which is substantially related to the qualifications, functions and duties of a  
16 licensed registered nurse, as follows:

17                   a.       On or about August 12, 2004, Respondent was convicted by jury for  
18 violating Penal Code sections 451(b) (arson of an inhabited structure or property), a felony,  
19 594(a) (vandalism under \$400 damage), a misdemeanor, and 451(d) (arson of property of  
20 another), a felony, in the criminal proceeding entitled *People of the State of California v.*  
21 *Deborah Rene Harrison*, Los Angeles Superior Court Case No. KA065463.

22                   b.       The circumstances surrounding the conviction are that on or about  
23 February 27, 2004, Respondent went to her ex-husband’s residence and set fire to clothing  
24 belonging to him which caused fire damage to the residence. Respondent also broke a bedroom  
25 window at the residence.

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1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License No. RN 468729, issued  
5 to Deborah Harrison a.k.a. Deborah Rene Harrison.

6 2. Ordering Deborah Harrison a.k.a. Deborah Rene Harrison to pay the Board  
7 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
8 pursuant to Business and Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: 10/10/06

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14 RUTH ANN TERRY, M.P.H., R.N.  
15 Executive Officer  
16 Board of Registered Nursing  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
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